TRACT NO. II.

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LANDS FOR THE LANDLESS.

It is proposed, in the following pages, to exhibit the record of the votes and proceedings in both branches of Congress, during the session which terminated on the 3d of March, 1859, upon the disposition of the public domain of the United States.

The official report of these votes and proceedings in the *Congressional Globe* will be referred to by the pages of that work, so that the reader who chooses to do so may verify the accuracy of the quotations made.

No subject can be more important than that of the disposition of our public lands. In extent, they embrace one thousand millions of acres, and the manner of their disposition affects the social condition of the people of the old States as well as of the new States.

A great question long existing in respect to these lands has at last assumed a definite form, and has become a touchstone of parties. That question is, whether the public domain shall be open to monopoly by speculators, leading inevitably to a landed aristocracy, or whether it shall be reserved for actual occupants, in small quantities, at a nominal price, or without price.

This question has always existed, but it is only recently that it has assnmed a practical form, by being taken up by a great national party.

Until recently, the country was divided into two national parties, both of which were either controlled or modified in their action by the slaveholding interest of the South. From the nature of the case, that interest is opposed to pre-emption laws and homestead laws, because Slavery cannot exist at the same time with a system of small freeholds. If our new States are occupied in quarter sections, they will be occupied by farmers, and not held by speculators or great planters.

Thus, then, until the recent reorganization of the Jeffersonian Republican party, there was no national party which was in a condition to take up this question, because, until the reorganization of this party, there was none which was not influenced or controlled by an interest adverse to pre-emptions and homesteads.

On the 20th of January, (page 492,) a bill relating to pre-emptions, reported from the Committee on Public Lands, was pending before the House. The bill proposed to make some changes in the details of existing pre-emption laws, but without affecting the substance of the present system of disposing of the public lands. It was, however, in Parliamentary order to propose to amend the bill, so as to change the present system, and to bring the House to a direct vote upon such propositions. The friends of such changes were prompt to avail themselves of this advantage.

Mr. Grow, of Pennsylvania, moved to amend the bill by adding the following as an additional section:

"*Be it further enacted*, That from and after the 'passage of this act, no public land shall be ex-'posed to sale by proclamation of the President, 'unless the same shall have been surveyed, and 'the return of such survey duly filed in the Land 'Office, for ten years or more before such sale."

It was impossible to assail this amendment of Mr. Grow as being out of order. It was strictly germane to the pending bill, and, unless the bill itself could be got rid of by some side blow, a direct vote upon the amendment was inevitable The slaveholding aristocracy, who are bold enough when it is necessary to be bold, but who are crafty as well as bold, forthwith resorted to Parliamentary tactics to avoid a direct issue upon Mr. Grow's proposition.

Their first movement was a motion to refer the bill and amendment to the Committee of the Whole, familiarly and aptly styled "*the tomb of the Capulets.*" If that reference had been carried, the bill would never have been reached, and would never have been heard of afterwards.

The vote upon the motion to refer the bill to the Committee of the Whole was as follows—the Democrats in roman, the Republicans in *italics*, and the South Americans in small CAPITALS:

YEAS, 90.

Maine—*Wood*	1
New Hampshire	0
Vermont	0
Massachusetts	0
Connecticut—Arnold, Bishop	2
Rhode Island	0
New York—*Burroughs*, Maclay, Russell, Taylor	4
New Jersey—Wortendyke	1
Pennsylvania—Ahl, Chapman, Dewart, Montgomery, *Morris*, *Ritchie*, White	7
Delaware	0
Maryland—HARRIS, RICAUD	2
Virginia—Bocock, Caskie, Edmundson, Faulkner, Garnett, Millson, Powell	7
North Carolina—Craige, Ruffin, Scales, Winslow	4
South Carolina—Boyce, Branch, Keitt, McQueen, Miles	5
Georgia—Crawford, Gartrell, Jackson, Seward, Stephens, TRIPPE, Wright	7
Florida—Hawkins	1
Alabama—Curry, Houston, Moore, Shorter	4
Mississippi—Barksdale, Davis, McRae	3
Louisiana—EUSTIS, Sandidge, Taylor	3
Texas—Bryan, Reagan	2
Tennessee—Atkins, Jones, MAYNARD, READY, Savage, Watkins, ZOLLICOFFER	7
Kentucky—Burnett, Jewett, MARSHALL, Peyton, Stevenson, Talbott, UNDERWOOD	7

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Arkansas..... 0
Missouri—ANDERSON, Caruthers, John B. Clark, James Craig, Phelps, WOODSON..... 6
Ohio—Burns, Cockerill, Groesbeck, *Harlan*, Lawrence, *Nichols*, Pendleton, Vallandigham 8
Indiana—Davis, English, Gregg, Hughes, Niblack..... 5
Illinois—Marshall, Morris, Shaw, Smith..... 4
Michigan..... 0
Wisconsin..... 0
Iowa..... 0
Minnesota..... 0
California..... 0
—
90

NAYS, 92.

Maine—*Foster*, *Gilman*, *Morse*, *Washburn*..... 4
New Hampshire—*Cragin*, *Tappan*..... 2
Vermont—*Morrill*, *Royce*, *Walton*..... 3
Massachusetts—*Bullinton*, *Burlingame*, *Chaffee*, *Comins*, *Dawes*, *Hall*, *Knapp*, *Thayer*..... 8
Rhode Island—*Brayton*, *Durfee*..... 2
Connecticut—*Clark*, *Dean*..... 2
New York—*Andrews*, Clark, John Cochrane, *Dodd*, *Fenton*, *Granger*, Hatch, *Hoard*, *Kelsey*, *Matteson*, *Morgan*, *Morse*, *Murray*, *Olin*, *Palmer*, *Parker*, *Spinner*, *Thompson*.....18
New Jersey—*Clawson*, Huyler..... 2
Pennsylvania—*Covode*, *Edie*, Florence, *Grow*, Jones, *Keim*, Leidy, *Purviance*, *Stewart*..... 9
Maryland—Bowie, Stewart..... 2
Virginia—Goode, Hopkins..... 2
North Carolina—GILMER, VANCE..... 2
South Carolina..... 0
Georgia..... 0
Florida..... 0
Alabama—Cobb, Dowdell, Stallworth..... 3
Mississippi—Singleton..... 1
Louisiana..... 0
Texas..... 0
Arkansas..... 0
Tennessee..... 0
Kentucky..... 0
Ohio—*Bingham*, *Bliss*, Cox, *Giddings*, Hall, *Leiter*, *Mott*, *Sherman*, *Stanton*, *Tompkins*, *Wade*.....11
Indiana—*Colfax*, Foley, *Kilgore*, *Pettit*, *Wilson* 5
Illinois—*Farnsworth*, *Kellogg*, *Lovejoy*, *Washburne*..... 4
Missouri—*Blair*..... 1
Michigan—*Howard*, *Leach*, *Walbridge*, *Waldron* 4
Wisconsin—*Potter*, *Washburn*..... 2
Iowa—*Curtis*, *Davis*..... 2
California—Scott..... 1
Minnesota—Cavanaugh, Phelps..... 2
—
92

The motion to refer the bill to the Committee of the Whole having thus failed, the House was brought to a direct vote upon Mr. Grow's amendment, which was adopted by the following vote:

YEAS, 98.

Maine—*Foster*, *Gilman*, *Morse*, *Washburn*, *Wooa* 5
New Hampshire—*Cragin*, *Pike*, *Tappan*..... 3
Vermont—*Morrill*, *Royce*, *Walton*..... 3
Massachusetts—*Bullinton*, *Burlingame*, *Chaffee*, *Comins*, *Davis*, *Dawes*, *Gooch*, *Hall*, *Knapp*, *Thayer*.....10
Rhode Island—*Brayton*, *Durfee*..... 2
Connecticut—*Dean*..... 1
New York—*Andrews*, *Bennett*, *Burroughs*, Clark, John Cochrane, *Dodd*, *Fenton*, *Granger*, *Hoard*, *Kelsey*, *Matteson*, *Morgan*, *Morse*, *Murray*, *Olin*, *Palmer*, *Parker*, *Sherman*, *Spinner*, *Thompson*.....20
New Jersey—*Robbins*..... 1
Pennsylvania—Chapman, *Covode*, *Edie*, Florence, *Grow*, *Keim*, *Morris*, Phillips, *Purviance*, *Ritchie*, *Stewart*.....11
Delaware..... 0
Maryland—Stewart..... 1
Virginia..... 0
North Carolina..... 0
South Carolina..... 0
Georgia..... 0
Florida..... 0
Alabama..... 0
Mississippi..... 0
Louisiana..... 0
Texas..... 0
Arkansas..... 0
Tennessee—Atkins, Avery, Jones, Savage..... 4
Kentucky—Jewett, Stevenson, Talbott..... 3
Ohio—*Bingham*, *Bliss*, Cockerill, *Giddings*, *Harlan*, *Horton*, Lawrence, *Leiter*, Miller, *Mott*, *Sherman*, *Stanton*, *Tompkins*, *Wade*.....14
Indiana—*Colfax*, *Kilgore*, *Pettit*, *Wilson*..... 4
Illinois—*Farnsworth*, *Kellogg*, *Lovejoy*, *Washburne*..... 4
Michigan—*Howard*, *Leach*, *Walbridge*, *Waldron* 4
Wisconsin—*Billinghurst*, *Potter*, *Washburn*..... 3
Minnesota—Cavanaugh, Phelps..... 2
Iowa—*Curtis*, *Davis*..... 2
Missouri—*Blair*..... 1
California..... 0
—
98

NAYS, 81.

Maine..... 0
New Hampshire..... 0
Vermont..... 0
Massachusetts..... 0
Rhode Island..... 0
Connecticut—Arnold..... 1
New York—Russell, Searing, Taylor..... 3
New Jersey—Huyler, Wortendyke..... 2
Pennsylvania—Ahl, Dewart, Leidy, Montgomery..... 4
Delaware—Whitely..... 1
Maryland—Bowie..... 1
Virginia—Bocock, Caskie, Edmundson, Garnett, Goode, Hopkins, Millson, Powell..... 8
North Carolina—Branch, Craige, GILMER, Ruffin, Scales, Shaw, VANCE, Winslow..... 8
South Carolina—Bonham, Boyce, McQueen, Miles..... 4
Georgia—Crawford, Gartrell, Jackson, Seward, Stephens, TRIPPE, Wright..... 7
Florida—Hawkins..... 1
Alabama—Cobb, Curry, Dowdell, Houston, Moore, Shorter, Stallworth..... 7
Mississippi—Davis, McRae, Singleton..... 3
Louisiana—EUSTIS, Sandidge..... 2
Texas—Reagan..... 1
Arkansas..... 0
Tennessee—MAYNARD, READY, Smith, Watkins, ZOLLICOFFER..... 5
Kentucky—Burnett, Elliott, UNDERWOOD..... 3
Ohio—Burns, Cox, Hall, Pendleton, Vallandigham..... 5
Indiana—Davis, Foley, Gregg, Hughes..... 4
Illinois—Hodges, Marshall, Shaw, Smith..... 4
Michigan..... 0
Wisconsin..... 0

Minnesota..... 0
Iowa..... 0
Missouri—Anderson, Caruthers, Clark, Craig, Phelps, Woodson..... 6
California—Scott..... 1
—
81

Upon the adoption of Mr. Grow's amendment, the Republican vote, as will be seen, was unanimously in the affirmative. Of the votes from the slave States, all but nine were in the negative, and, as we shall presently see, there was only one of that number who was really in favor of it, this one being Mr. Blair, of Missouri.

Mr. Grow's amendment being incorporated into the bill, the next question was upon the passage of the bill, which was defeated by the following vote:

YEAS, 91.

Maine—*Foster, Morse, Washburn, Wood*..... 4
New Hampshire—*Cragin, Pike, Tappan*..... 3
Vermont—*Morrill, Royce, Walton*..... 3
Massachusetts—*Buffinton, Burlingame, Chaffee, Comins, Davis, Dawes, Gooch, Hall, Knapp, Thayer*.....10
Rhode Island—*Brayton, Durfee*..... 2
Connecticut—*Clark, Dean*..... 2
New York—*Andrews, Bennett, Burroughs*, Clark, *C. B. Cochrane*, John Cochrane, *Dodd, Fenton, Granger*, Hatch, *Hoard, Kelsey, Matteson, Morgan, Morse, Murray, Olin, Palmer, Parker, Spinner, Thompson*.....21
New Jersey—*Clawson, Robbins*..... 2
Pennsylvania—*Covode, Dick, Edie, Grow, Keim, Morris, Purviance, Ritchie, Stewart*..... 9
Delaware..... 0
Maryland—Davis..... 1
Virginia..... 0
North Carolina..... 0
South Carolina..... 0
Georgia..... 0
Florida..... 0
Alabama..... 0
Mississippi..... 0
Louisiana..... 0
Texas..... 0
Arkansas..... 0
Tennessee..... 0
Kentucky..... 0
Ohio—*Bingham, Bliss*, Cox, *Giddings*, Hall, *Harlan, Horton, Leiter*, Miller, *Mott, Sherman, Stanton, Tompkins, Wade*.....14
Michigan—*Howard, Leach, Walbridge, Waldron* 4
Indiana—*Colfax, Kilgore, Pettit, Wilson*..... 4
Illinois—*Farnsworth, Kellogg, Lovejoy*, Morris, *Washburne*..... 5
Wisconsin—*Potter, Washburn*..... 2
Iowa—*Curtis, Davis*..... 2
Minnesota—Cavanaugh, Phelps..... 2
Missouri—*Blair*..... 1
California..... 0
—
91

NAYS, 95.

Maine..... 0
New Hampshire..... 0
Vermont..... 0
Massachusetts..... 0
Rhode Island..... 0
Connecticut—Arnold..... 1
New York—Corning, Russell, Searing, Taylor 4
New Jersey—Huyler..... 1
Pennsylvania—Ahl, Chapman, Dewart, Florence, Jones, Leidy, Montgomery, Phillips, White..... 9
Delaware—Whitely..... 1
Maryland—Bowie, Ricaud, Stewart..... 3
Virginia—Bocock, Caskie, Edmundson, Garnett, Goode, Hopkins, Millson, Powell..... 8
North Carolina—Craige, Gilmer, Ruffin, Scales, Shaw, Vance, Winslow..... 7
South Carolina—Bonham, Boyce, McQueen... 3
Georgia—Crawford, Gartrell, Jackson, Stephens, Trippe, Wright..... 6
Florida—Hawkins..... 1
Alabama—Cobb, Dowdell, Houston, Moore, Shorter, Stallworth..... 6
Mississippi—Barksdale, Davis, McRae, Singleton..... 4
Louisiana—Sandidge, Taylor..... 2
Texas—Bryan, Reagan..... 2
Arkansas—Greenwood..... 1
Tennessee—Atkins, Avery, Jones, Maynard, Ready, Savage, Smith, Watkins, Zollicoffer..... 9
Kentucky—Burnett, Clay, Elliott, Jewett, Marshall, Mason, Peyton, Stevenson, Talbott, Underwood.....10
Ohio—Burns, Cockerill, Groesbeck, Pendleton, Vallandigham..... 5
Indiana—Davis, Foley, Gregg, Hughes..... 4
Illinois—Marshall, Shaw..... 2
Michigan..... 0
Wisconsin..... 0
Iowa..... 0
Missouri—Anderson, Caruthers, Glark, Craig, Phelps, Woodson..... 6
Minnesota..... 0
California..... 0
—
95

The defeat of the bill, in consequence of the incorporation into it of Mr. Grow's amendment, shows that a majority of the House was really opposed to that amendment, although it had been adopted by a vote of 98 to 81. Certain members, who did not dare to vote directly against the amendment, joined in killing it afterwards, by killing the bill, of which it had been made a part by their own votes.

Thus Messrs. Stewart of Maryland, Atkins, Avery, Jones, and Savage, of Tennessee, and Jewett, Stevenson, and Talbott, of Kentucky, who had voted for the amendment, voted afterwards against the bill. Only one, Mr. Blair, of the nine Southern supporters of the amendment, proved true to it in the end, and no other Southern member came to its support in the final vote, saving only Mr. Davis of Maryland, who represents the free-labor interests of the city of Baltimore, rather than the interests or passions of the slaveholding and landed aristocracy of the planting States.

Afterward, on the same day, when these votes upon Mr. Grow's amendment were given, the representatives from Minnesota, both of them members of the Democratic party, delivered speeches, in which they made no secret of their chagrin that a measure so vital to their constituency encountered the nearly unanimous opposition of their political friends. Mr. Cavanaugh (page 505) said:

"In reference to the vote on this bill to-day, 'with an overwhelming majority of this side of

'the House voting against my colleague and myself, voting against this bill, I say it frankly, I 'say it in sorrow, that it was to the Republican 'side of the House to whom we were compelled 'to look for support of this just and honorable 'measure. Gentlemen from the South, gentlemen who have broad acres and wide plantations, aided here to-day by their votes more to 'make Republican States in the North than by 'any vote which has been cast within the last 'two years. These gentlemen come here and 'ask us to support the South; yet they, to a 'man almost, vote against the free, independent 'labor of the North and West.

"I, sir, have inherited my Democracy; have 'been attached to the Democratic party from my 'boyhood; have believed in the great truths as 'enunciated by the 'fathers of the faith,' and 'have cherished them religiously, knowing that, 'by their faithful application to every department of this Government, this nation has grown 'up from struggling colonies to prosperous, powerful, and sovereign States. But, sir, when I 'see Southern gentlemen come up, as I did today, and refuse, by their votes, to aid my constituents, refuse to place the actual tiller of the 'soil, the honest, industrious laborer, beyond 'the grasp and avarice of the speculator, I tell 'you, sir, I falter and I hesitate."

The amendment of Mr. Grow, forbidding the public sales of lands for at least ten years after their survey, would secure the great bulk of the lands to pre-emptors, and would give to pre-emptors a long pay day, and thus save them from the enormous usury they are now compelled to pay to money lenders. It would not reduce the revenue derived by the Treasury from the public lands, but would only postpone it, and this postponement would be far less prejudicial to the Government than it would be beneficial to the settler. The Government can borrow money at four and a half per cent. per annum, while the settler frequently pays five per cent. per month for the money to enter his lands, to prevent their sale at public auction.

On the 1st of February the question of the public lands was again before the House, the pending bill (House bill No. 72) being a bill to secure homesteads to actual settlers, and being in the words following:

A BILL TO SECURE HOMESTEADS TO ACTUAL SETTLERS ON THE PUBLIC DOMAIN.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That any person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who shall have filed his intention to become such, as required by the naturalization laws of the United States, shall, from and after the passage of this act, be entitled to enter, free of cost, one quarter section of vacant and unappropriated public lands which may, at the time the application is made, be subject to private entry, at $1.25 per acre, or a quantity equal thereto, to be located in a body, in conformity with the legal subdivisions of the public lands, and after the same shall have been surveyed.

SEC. 2. *And be it further enacted*, That the person applying for the benefit of this act shall, upon application to the register of the land office in which he or she is about to make such entry, make affidavit before the said register that he or she is the head of a family, or is twenty-one years or more of age, and that such application is made for his or her exclusive use and benefit, and those specially mentioned in this act, and not either directly or indirectly for the use or benefit of any other person or persons whomsoever; and upon making the affidavit as above required, and filing the affidavit with the register, he or she shall thereupon be permitted to enter the quantity of land already specified: *Provided, however*, That no certificate shall be given or patent issued therefor until the expiration of five years from the date of such entry; and if, at the expiration of such time, or at any time thereafter, the person making such entry, or, if he be dead, his widow, or, in case of her death, his heirs or devisee, or in case of a widow making such entry, her heirs or devisee, in case of her death shall prove by two credible witnesses that he, she, or they, have continued to reside upon and cultivate such land, and still reside upon the same, and have not alienated the same, or any part thereof, then, in such case, he, she, or they, if at that time a citizen of the United States, shall, on payment of ten dollars, be entitled to a patent, as in other cases provided for by law: *And provided, further*, In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and the fee shall inure to the benefit of said infant child or children, and the executor, administrator, or guardian, may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children for the time being have their domicil, sell said land for the benefit of said infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States.

SEC. 3. *And be it further enacted*, That the register of the land office shall note all such applications on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

SEC. 4. *And be it further enacted*, That all lands acquired under the provisions of this act shall in no event become liable to the satisfaction of any debt or debts contracted prior to the issuing the patent therefor.

SEC. 5. *And be it further enacted*, That if, at any time after filing the affidavit, as required in the second section of this act, and before the expiration of the five years aforesaid, it shall be proven, after due notice to the settler, to the satisfaction of the register of the land office, that the person having filed such affidavit shall have actually changed his or her residence, or abandoned the said entry for more than six months at any time, then, and in that event, the land so entered shall revert back to the Government, and be disposed of as other public lands are now by law, subject to an appeal to the General Land Office.

SEC. 6. *And be it further enacted*, That no individual shall be permitted to make more than one entry under the provisions of this act; and that the Commissioner of the General Land Office is hereby required to prepare and issue such rules and regulations, consistent with this act, as shall be necessary and proper to carry its provisions into effect; and that the registers and receivers of the several land offices shall be entitled to receive the same compensation for any lands entered under the provisions of this act that they are now entitled to receive when the same quantity of land is entered with money, one half to be paid by the person making the application, at the time of so doing, and the other half on the issue of the certificate by the person to whom it may be issued: *Provided*, That nothing in this act shall be so construed as to impair or intertere in any manner whatever with existing pre-emption rights

The previous question having been ordered, the House was brought to a direct vote upon this bill, without debate.

A motion to lay the bill on the table was lost—yeas 77, nays 113; and the bill was then passed—yeas 120, nays 76.

As these two votes were substantially the same, we only give the last one, which was upon the passage of the bill, and which was as follows:

YEAS, 120.

Maine—*Abbott*, *Foster*, *Gilman*, *Morse*, *Washburn*..... 5
New Hampshire—*Cragin*, *Pike*, *Tappan*..... 3
Vermont—*Morrill*, *Royce*, *Walton*..... 3
Massachusetts—*Bufinton*, *Burlingame*, *Chaffee*, *Comins*, *Davis*, *Dawes*, *Gooch*, *Hall*, *Knapp*, *Thayer*.....10
Rhode Island—*Brayton*, *Durfee*..... 2
Connecticut—Bishop, *Clark*, *Dean*..... 3
New York—*Andrews*, Barr, *Burroughs*, *C. B. Cochrane*, John Cochrane, Corning, *Dodd*, *Fenton*, *Goodwin*, *Granger*, Haskin, Hatch, *Hoard*, *Kelsey*, Maclav, *Matteson*, *Morgan*, *Morse*, *Murray*, *Olin*, *Palmer*, *Parker*, *Pottle*, Russell, *Spinner*, Taylor, Ward.....27
New Jersey—Adrain, *Clawson*, *Robbins*, Wortendyke..... 4

Pennsylvania—*Covode*, *Dick*, Florence, *Grow*, Hickman, *Keim*, *Morris*, Phillips, *Purviance*, Reilly, *Roberts*, *Stewart*, *Kunkel*.....13
Delaware.....0
Maryland.....0
Virginia.....0
North Carolina.....0
South Carolina.....0
Georgia.....0
Florida.....0
Alabama.....0
Mississippi.....0
Louisiana.....0
Texas.....0
Arkansas.....0
Tennessee—Jones.....1
Kentucky—Jewett.....1
Ohio—*Bingham*, *Bliss*, Burns, Cockerill, Cox, *Giddings*, Groesbeck, Hall, *Harlan*, *Horton*, Lawrence, *Leiter*, Miller, Pendleton, *Sherman*, *Stanton*, *Tompkins*, Vallandigham, *Wade*.....19
Indiana—*Case*, *Colfax*, Davis, Foley, Gregg, *Kilgore*, *Pettit*, *Wilson*.....8
Illinois—*Farnsworth*, Hodges, *Kellogg*, *Lovejoy*, Morris, Smith, *Washburne*.....7
Michigan—*Howard*, *Leach*, *Walbridge*, *Waldron* 4
Wisconsin—*Billinghurst*, *Potter*, *Washburn*.....3
Minnesota—Cavanaugh, Phelps.....2
Iowa—*Curtis*, *Davis*.....2
Missouri—Craig.....1
California—McKibbin, Scott.....2

120

NAYS, 76.

Maine.....0
New Hampshire.....0
Vermont.....0
Massachusetts.....0
Rhode Island.....0
Connecticut.....0
New York.....0
New Jersey.....0
Pennsylvania—Leidy.....1
Delaware—Whitely.....1
Maryland—Bowie, DAVIS, HARRIS, Kunkel, RICAUD, Stewart.....6
Virginia — Bocock, Caskie, Edmundson, Faulkner, Garnett, Goode, Hopkins, Jenkins, Letcher, Millson, Smith.....11
North Carolina—Branch, Craige, GILMER, Ruffin, Scales, Shaw, VANCE, Winslow.....8
South Carolina—Bonham, Boyce, Keitt, McQueen, Miles.....5
Georgia—Crawford, Gartrell, HILL, Jackson, Seward, Stephens, TRIPPE, Wright.....8
Florida.....0
Alabama—Cobb, Curry, Dowdell, Houston, Moore, Shorter, Stallworth.....7
Mississippi—Barksdale, Lamar, McRae, Singleton.....4
Louisiana—EUSTIS.....1
Texas—Reagan.....1
Arkansas—Greenwood.....1
Tennessee—Atkins Avery, MAYNARD, READY, Smith, Watkins, Wright, ZOLLICOFFER.....8
Kentucky—Burnett, MARSHALL, Mason, Peyton, UNDERWOOD.....5
Ohio—*Nichols*.....1
Indiana—English, Hughes, Niblack.....3
Illinois—Marshall, Shaw.....2
Michigan.....0
Wisconsin.....0
Minnesota.....0
Iowa.....0
Missouri—ANDERSON, Clark, WOODSON.....3
California.....0

76

Only three Southern members, Jones of Tennessee, Jewett of Kentucky, and Craig of Missouri, voted for the bill, thereby marking unmistakably the sectional character of the opposition to it.

The Republican vote, with a solitary exception, was given solid for the bill.

Of the Northern members, connected with the Democratic party, twenty-nine voted for the bill and six voted against it.

Thus, of the entire Democratic vote in the House, a large majority was against the bill, but even this is less important than the other fact, that the Southern wing of the party was almost unanimously against, it being this Southern wing which controls in the party councils, and which, when out-voted in the House, has other departments of the Government, the Senate and the President, with which it is more powerful, and by means of which it has so far rarely failed to defeat measures, however popular and beneficial, which it dislikes.

The homestead bill had now passed the House by a decisive majority, but it had yet to encounter the more dangerous ordeal of the Senate, in which the Democratic majority was larger, and in which the representation of the slaveholding States is proportionately greater.

No direct vote upon the bill was, in fact, reached in the Senate. The Southern managers would not permit a direct vote, and it is proposed to show by what methods they evaded it.

At that stage of the session, the Senate is the theatre of almost daily contests for the priority of business, it being in the power of the majority at any time to lay aside all pending or assigned business, and take up any bill which they desire to act upon.

There are thus two ways of killing off obnoxious measures. One is, to act upon them and vote them down. Another is, to overslaugh them whenever they are proposed, by proceeding to consider some other business. This latter method is invariably resorted to where a measure, obnoxious to a majority of the Senate, is supposed to be acceptable to the people. And it was precisely by this method, and for that reason, that the homestead bill was run over, shoved aside, evaded, and left unacted upon, by the Senate during its late session.

For a proper understanding of the proceedings by which this overslaughing of the homestead bill was accomplished, it is necessary to observe that two other subjects—viz: the regular appropriation bills and the bill for the purchase of Cuba—were being pressed upon the time of the Senate during the last days of the session, and both of them commanding the support of the majority of that body.

On the 17th day of February, Mr. Wade, of Ohio, (page 1074,) moved to postpone all prior orders and take up the homestead bill, which had passed the House. The following extracts from the debate upon this motion will exhibit the points made:

"Mr. WADE. The homestead bill, to which

'am a good deal attached, has, I believe, twice 'passed the House and come to this body, but 'somehow it has had the go-by, and we have 'never had a direct vote upon it here that I 'know of. I do not propose to discuss it for a 'single moment, and I hope none of its friends 'will debate it, because it has been pending be-'fore Congress for several years, and I presume 'every Senator is perfectly well acquainted with 'all its provisions, and has made up his mind as 'to the course he will pursue in regard to it. I 'have no hope that anything I could say would 'win any opponent of the bill to its support; 'and I hope every friend of the measure will 'take no time in debate, but will try to get a 'vote upon it, for I think it is the great measure 'of the session. All I want, all I ask, is to have 'a vote upon it.

"Mr. REID, of North Carolina. I think it is 'too late in the session now to take up this bill 'to be acted upon here, at least until we act 'upon other great measures upon which there is 'more unanimity of sentiment in the country, 'and a higher sense of duty upon us to pass them 'during the few days of the session that remain.

"Mr. HUNTER, of Virginia. I believe that a 'fortnight from to-day will take us to the 3d of 'March. Now, it is known that we have nearly 'all the important appropriation bills, and one 'that is unfinished, to take up. I hope there will 'be no effort to press this homestead bill, so as 'to displace the appropriation bills. I must appeal 'to the Senate to consider how little of the session 'is now left to us, and whether we ought not to 'take up the appropriation bill and dispose of it.

"Mr. SHIELDS, of Minnesota. The friends of 'this bill desire nothing but a vote upon it, not 'to waste time in debate. Let us take it up, 'and have a fair vote upon it.

"Mr. HUNTER. I do not conceal the fact that 'I am very much opposed to it, but I suppose, 'whenever this bill comes up, it must be the 'subject of debate.

"Mr. WILSON, of Massachusetts. I appreciate 'the anxiety of the Senator from Virginia to take 'up the appropriation bill; but I would suggest 'to that Senator that he allow us to take up this 'bill, and have a vote upon it. I do not sup-'pose that anybody, who is in favor of the 'measure, desires to consume the time of the 'Senate, at this stage of the session, by discuss-'ing it. It has been discussed before the nation. 'It is well understood. I believe it is sustained 'by an overwhelming majority of the people of 'the country.

"Mr. WADE. I have no doubt, from the busi-'ness before us, that this is the last opportunity 'we shall have to act upon this great measure. 'I hope, as I said before, every friend of it will 'stand by it until it is either triumphant, or de-'feated, and that, too, in preference to any other 'business that may be urged upon us. As to 'the appropriation bills, I have not the least fear 'but that they will go through. Their gravita-'tion carries them through."

The question was then taken, and Mr. Wade's motion was carried by the following vote, the Republicans being indicated by italics:

YEAS—Messrs. Bright, Broderick, *Chandler*, *Collamer*, *Dixon*, *Doolittle*, *Fessenden*, *Foot*, *Foster*, Gwin, *Hale*, *Hamlin*, *Harlan*, Johnson of Tennessee, *King*, Pugh, Rice, *Seward*, Shields, *Simmons*, Smith, Stuart, *Trumbull*, *Wade*, and *Wilson*—26.

NAYS—Messrs. Allen, Bayard, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Hammond, Hunter, Iverson, Lane, Mallory, Mason, Pearce, Reid, Slidell, Toombs, and Ward—23.

Upon an examination of this vote, it will be seen that the Republicans voted unanimously in the affirmative, and that the Southern Senators were all in the negative, with the solitary exception of Mr. Johnson of Tennessee, who is a self-made man, sprung from the people, and with no personal connections with the slaveholding aristocracy of his section of the country. Of the Northern Democrats, Gwin, Bright, Pugh, Rice, Shields, Smith, and Stuart, all being from the new States, voted for Mr. Wade's motion.

The homestead bill was now up, and so far as its friends were concerned, nothing was asked but a vote, which would not have consumed ten minutes. But a vote was precisely what the Southern managers were determined to avoid.

Instantly, therefore, upon the announcement of the success of Mr. Wade's motion, which brought the bill before the Senate, Mr. Hunter took the floor, and moved that it be set aside, so as to take up another bill, viz: the diplomatic and consular appropriation bill.

No question of order was raised upon this motion of Mr. Hunter, but it was well characterized as "*child's play*," to move to set aside a bill, instantly after a vote to take it up.

Pending some conversational debate upon Mr. Hunter's motion, the hour of twelve o'clock arrived, and the Vice President decided that the Cuba bill, having been assigned for that hour was the subject pending before the Senate.

Hereupon, Mr. Wade moved to postpone the twelve o'clock order, and continue the consideration of the homestead bill, and this motion prevailed by the following vote:

YEAS—Messrs. Bell, Bright, Broderick, *Chandler*, *Clark*, *Collamer*, *Dixon*, *Doolittle*, Douglas, *Durkee*, *Fessenden*, *Foot*, *Foster*, *Hale*, *Hamlin*, *Harlan*, Johnson of Tennessee, *King*, Pugh, Rice, *Seward*, *Simmons*, Smith, Stuart, *Trumbull*, *Wade*, and *Wilson*—27.

NAYS—Messrs. Allen, Bates, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—26.

On this vote, an additional Southern Senator, Mr. Bell of Tennessee, ranged himself on the side of homesteads. But this was offset by the ratting back to the negative side of Mr. Gwin, who is really a Southern man, and who only intends to reside in California so long as he can hold office there.

The homestead bill was now again before the Senate, but the question, as stated by the Vice President, was still upon Mr. Hunter's motion to set it aside, and take up the consular and diplomatic appropriation bill.

Mr. Mason, of Virginia, threatened an "*extended debate*" upon the homestead bill, if its consideration was insisted upon. He declared, at any rate, for himself, that he intended to "*go 'into it pretty largely, because he had not yet known 'a bill so fraught with mischief, and mischief of the 'most demoralizing kind.*"

Mr. Wade and Mr. Seward, in brief and energetic terms, exhorted the friends of the bill to stand firm.

The vote was then taken upon Mr. Hunter's motion, and resulted as follows:

YEAS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Brown, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Hunter, Iverson, Johnson of Arkansas,

Kennedy, Lane, Mallory, Mason, Pearce, Reid, Sebastian, Slidell, Toombs, Ward, and Yulee—28.

NAYS—Messrs. Bell, Bright, Broderick, *Chandler*, *Clark*, *Collamer*, *Dixon*, *Doolittle*, Douglas, *Durkee*, *Fessenden*, *Foot*, *Foster*, *Hale*, *Hamlin*, *Harlan*, Houston, Johnson of Tennessee, *King*, Pugh, Rice, *Seward*, *Simmons*, Smith, Stuart, *Trumbull*, *Wade*, and *Wilson*—28.

The vote being a tie, the Vice President, Mr. Breckinridge, voted in the affirmative, and thus, after a long struggle, the homestead bill was, for that day, overslaughed.

Of the twenty-eight votes for overslaughing it, all but five are from the South, and one of these five, Mr. Gwin, is only a temporary resident of a free State.

Of the twenty-eight votes in favor of sustaining the bill, only three are from the South, and of these three, only one, Mr. Johnson of Tennessee, has any affiliation with what is called the Democratic party.

Two days afterwards, on the 19th of February, Mr. Wade again moved to set aside all prior orders and take up the homestead bill, but this motion was negatived by the following vote:

YEAS—Messrs. Broderick, *Chandler*, *Clark*, *Collamer*, *Dixon*, *Doolittle*, *Durkee*, *Fessenden*, *Foot*, *Hale*, *Hamlin*, *Harlan*, Johnson of Tennessee, Jones, *King*, Pugh, Rice, *Seward*, Shields, *Simmons*, Stuart, *Trumbull*, *Wade*, and *Wilson*—24.

NAYS—Messrs. Allen, Bates, Bayard, Benjamin, Bigler, Bright, Brown, Chesnut, Clay, Clingman, Crittenden, Davis, Fitch, Fitzpatrick, Green, Hammond, Houston, Hunter, Iverson, Kennedy, Mallory, Mason, Pearce, Polk, Reid, Sebastian, Slidell, Smith, Toombs, Ward, and Yulee—31.

Upon these two days, the 17th and 19th of February, the question was made between the consideration of the homestead bill and the consideration of the appropriation bills, the necessity of passing which last bills did not fail to be insisted upon by the Democratic managers. At a subsequent stage of the session, as will be presently seen, the question was made between considering the homestead bill and considering the Cuba bill.

Upon the 25th day of February, upon the occasion of a motion by Mr. Slidell to postpone all prior orders and take up the bill for the purchase of Cuba, Mr. Doolittle resisted it, and called upon the friends of homesteads to vote it down, so that he himself might submit a motion to take up the homestead bill. Mr. Doolittle said:

"I think it would be better to take up this
'question of the homestead bill and vote upon
'it, and then the Cuba bill will come up. I ask
'the friends of the homestead bill now to stand
'by it and give it the preference. We do not
'seek to antagonize it as against the appropria-
'tion bills at this hour of the session. We could
'not expect, or hope, of the friends of this home-
'stead bill, who act with the majority of the
'Senate, that they would prefer taking up the
'homestead bill, and come in antagonism with
'the appropriation bills, because they are neces-
'sary; but as between this proposition to take
'up the Cuba bill and the proposition to take up
'the homestead bill, I call upon all friends of the
'homestead bill on this and the other side of the
'Chamber to stand by it. Now is the time, or
'never."

The vote was then taken, and the motion to take up the Cuba bill prevailed, as follows:

YEAS—Messrs. Allen, Bayard, Bell, Benjamin, Bigler, Brown, Chesnut, Clay, Clingman, Davis, Fitch, Fitzpatrick, Green, Gwin, Hammond, Houston, Hunter, Iverson, Jones, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Smith, Stuart, Toombs, Ward, Wright, and Yulee—35.

NAYS—Messrs. Broderick, *Cameron*, *Chandler*, *Clark*, *Collamer*, *Dixon*, *Doolittle*, Douglas, *Durkee*, *Fessenden*, *Foot*, *Foster*, *Hale*, *Hamlin*, *Harlan*, Johnson of Tennessee, Kennedy, *King*, Pearce, *Seward*, *Simmons*, *Trumbull*, *Wade*, and *Wilson*—24.

The Cuba bill was now up, and the discussion upon it protracted the session late into the night, and almost into the next morning. It was distinctly seen during the progress of this discussion that it would be without practical result, and that no vote could be reached before the final adjournment of Congress.

Accordingly, at ten o'clock in the evening, Mr. Doolittle felt it to be his duty to renew the attempt to set aside the Cuba bill, the subject-matter of a manifestly idle debate, so as to take up the homestead bill. His motion to that effect, and the commencement of the debate upon it, will be found on page 1351 of the *Congressional Globe*. Such extracts are made as will exhibit its general character:

"Mr. TRUMBULL. If there was any assurance
'that the homestead bill could be taken up, after
'the Cuba question was disposed of, I should be
'willing to see it have the go-by on the present
'occasion; but we have sought repeatedly to
'bring up the homestead bill, and every move-
'ment that has been made to bring it up has
'been met with a counter movement, crowding
'it out of the way with something else. * * *
'If the Senator from Virginia will give us an
'assurance that we shall have a chance to bring
'up the homestead bill, and keep it before the
'Senate until we can get a vote upon it, after
'the Cuba bill is through, and that he will not
'interpose an appropriation bill, I would join
'with gentlemen in asking my friend from Wis-
'consin to withdraw the motion he has made.

"Mr. HUNTER. I certainly will press the ap-
'propriation bills. I will give no promise to vote
'to take up the homestead bill.

"Mr. TRUMBULL. That is as I expected. We
'now have notice that we are to be met with an
'appropriation bill the moment that the Cuba
'question is disposed of, and here we are wasting
'our time at this stage of the session in making
'long speeches, and debating about the acquisi-
'tion of a country that does not belong to us,
'instead of providing for the settlement of the
'country which we own. There can be no hope
'of getting up the homestead bill as against an
'appropriation bill.

"Mr. SEWARD. After nine hours yielding to the
'discussion of the Cuba question, it is time to come
'back to the great question of the day and the
'age. The Senate may as well meet face to face
'the issue which is before them. It is an issue
'presented by the competition between these two
'questions. One, the homestead bill, is a ques-
'tion of homes, of lands for the landless freemen
'of the United States. The Cuba bill is the ques-
'tion of slaves for the slaveholders of the United
'States.

"Mr. WADE. I am very glad that this ques-
'tion has at length come up. I am glad, too,
'that it has antagonized with this nigger ques-
'tion. [Laughter.] I have been trying here for
'nearly a month to get a straight-forward vote
'upon this great measure of land for the land-
'less. I glory in that measure. It is the great-
'est that has ever come before the American
'Senate, and it has now come so that there is no
'dodging it. The question will be, shall we give
'niggers to the niggerless, or lands to the landless.

"I moved some days ago to take up this sub-
'ject. It was said then that there was an ap-

'propriation bill that stood in the way. The 'Senator from Virginia had his appropriation 'bills. It was important, then, that they should 'be settled at once; there was danger that they 'would be lost, and the Government would stop 'in consequence; and the appeal was made to 'gentlemen to give this bill the go-by for the 'time being, at all events, and the appeal was 'successful. The appropriation bills lie very easy 'now behind this nigger operation. [Laughter.] 'When you come to niggers for the niggerless, 'all other questions sink into insignificance."

Mr. Doolittle's motion to set aside the Cuba bill for the purpose of taking up the homestead bill, was lost, by the following vote:

YEAS—Messrs. Broderick, *Cameron, Clark, Chandler, Collamer, Doolittle, Fessenden, Foot, Foster, Hale, Hamlin, Harlan*, Johnson of Tennessee, *King, Seward, Simmons, Trumbull, Wade*, and *Wilson*—19.

NAYS—Messrs. Allen, Benjamin, Bayard, Bigler, Brown, Chesnut, Clay, Clingman, Douglas, Fitch, Fitzpatrick, Green, Gwin, Hunter, Iverson, Johnson of Arkansas, Lane, Mallory, Mason, Polk, Pugh, Reid, Rice, Sebastian, Shields, Slidell, Toombs, Ward, and Wright—29.

This was the last attempt made to get up the homestead bill in the Senate. It had first been overslaughed by the appropriation bills, and now by the Cuba bill, and no expectation remained of reaching it during the few remaining days of the session. The Republicans, who had endeavored to get it up in all forms and on all occasions without success, felt it to be their duty to abandon a manifestly hopeless struggle.

From this review of the votes in the Senate and House, it will be seen that the two great national parties, the one representing the rights and interests of free labor, and the other representing the pretensions and interests of negro slavery, have come to a well-defined issue upon this great matter of the disposition of the public domain.

In the House, we see the Republicans voting with unanimity for a proposition to secure to pre-emptors all the public lands for the term of ten years after their survey, forbidding, during that time, their disposition either at public sale or by private entry, and giving to the pre-emptor a pay-day which would save him from usury, by giving him time to provide means out of his crops wherewith to buy his freehold. Afterwards, we find these same Republicans in the House voting with the same unanimity for a homestead bill. It is probable, and indeed is known, that some Republicans preferred one measure to the other, but they voted for both, being agreed in the main object, which was to preserve the public domain for the actual settler and small cultivator, and being willing to waive differences of opinion as to detail, so long as the main object should be at all events secured.

In the Senate, we witness the same unanimity on the Republican side in favor of the homestead bill, and should have witnessed it upon the proposition to prohibit sales of lands for ten years after their survey, if a vote upon that proposition could have been reached.

On the side of the Democratic party, we witness an opposition to both these measures, not indeed absolutely unanimous, but of such a character as to render it conclusively certain that that party will continue to oppose those measures to the end. From some of the new States, where the general sentiment is strongly against the monopoly of the public domain by capitalists and non-resident speculators, the Democratic Senators and Representatives were obliged to vote with the Republicans upon these questions.

But the Southern Democracy voted ranks solid against all reform; and it is the Southern wing of that party, as all the world knows, which controls its policy. The opposition of the slaveholding aristocracy to homesteads and pre-emptions is an indubitable fact, and it is a fixed fact, because it is founded upon interests which are unchangeable. Homestead laws and pre-emption laws, securing quarter sections of one hundred and sixty acres to actual cultivators, would amount to a Wilmot Proviso, which no ingenuity could evade, and which no Supreme Court could nullify. The oligarchy understood it well, and hence it is that their opposition will be implacable and eternal.

One Southern Democratic Senator, Mr. Johnson of Tennessee, and a few Southern Democratic Representatives, voted on these questions with the Republicans, but this proves, not that there is any division of opinion among the oligarchs, but that there are portions of the South which the oligarchs cannot fully control. The great body of the white people of the South are non-slaveholders, and are just as much interested in homesteads and pre-emption laws as the people of the free States. In some districts, these questions have been canvassed and are understood, and the Representatives of these districts are compelled to vote on the side of free labor. In fact, there is no better weapon with which Republicanism can assail the oligarchy in their own homes, than this weapon of pre-emptions and homesteads. In fighting that battle, the oligarchs will lose the advantage of the prejudices of the poor whites against the negroes and the Abolitionists. The homestead question is a white man's question.

The opposition of the oligarchs to pre-emptions and homesteads being fixed and immovable, because based upon personal and political interests which cannot be changed, it results that the friends of land reform, of whatever political opinions in other respects, must unite to put down this oligarchy, and the Democratic party which is controlled by it. Whoever supports a party, supports its measures, whatever his own individual opinions about those measures may be, and the measures of a party are dictated by the influence which predominates in it. That there are vast numbers of persons who habitually vote what is called the Democratic ticket, who are in favor of preserving the public domain for actual settlers, is certainly true. But it is not the less true, that such persons help to keep in power a national party, which, from the essential nature of its composition, and from the fixed purposes of the power which dominates over it, must forever oppose a policy which seeks to cut up the public domain into small freeholds.

It is in vain, therefore, for the Douglases and Brights of the West to point to their own individual votes in favor of homesteads and pre-emptions. If the men of this stamp be admitted to be ever so sincere and ever so reliable in those respects, it is sufficient that they are inextricably mixed up and allied with a power at the South which is implacably hostile to pre-emptions and homesteads. Land reform is impossible until that power is put down; to put it down, the Democratic party, falsely so called, must be put down. The logic which points to that conclusion is invincible.